

## **EXHIBIT 13**

### **Affidavit of Richard Schneider**

AFFIDAVIT OF RICHARD SCHNEIDER

BEFORE ME, the undersigned authority, personally appeared, Richard Alan Schneider, who upon being first duly sworn, states as follows:

1. My current address is 6867 Wilton Drive, Oakland, CA 94611. I have lived at this address for the past 35 years. For the prior 12 years, I lived at various other locations in north Oakland and Berkeley, CA.

2. Because of my concern for the natural beauty of California and its consistent loss, owing to unsustainable population growth, I joined Californians for Population Stabilization ("CAPS"). CAPS is one of the few environmental organizations in the state that is outspoken about the role population growth plays in this loss of environmental quality and the dominant role that immigration plays in California's population growth. As I became more involved with CAPS, I eventually was invited to serve on the CAPS Board of Directors, and currently I serve as its Chair.

3. Other environmental organizations that I belong to are Sierra Club, Alameda Creek Alliance, Tri-Valley Conservancy, Save Mount Diablo, California Wilderness Coalition, League to Save Lake Tahoe, California Native Plant Society, California Wildlife Foundation, Blue Planet United, NumbersUSA, and the Center for Immigration Studies. I consider myself an environmentalist.

4. I hold a B.A. in Anatomy/Physiology and an M.S. in Energy and Resources from the University of California at Berkeley. For many years, I worked at the Lawrence Berkeley National Laboratory in the Energy and Environment Division. I am co-author of *Toxics A to Z: A Guide to Everyday Pollution Hazards* (University of California Press).

5. I was born in 1951 in New York City. I grew up on the New Jersey shore about 50 miles south of New York. From my earliest childhood, I have loved Nature. Playing in the woods around my house, watching squirrels collect acorns, collecting seashells on the beaches, bringing home turtles and collecting wildflowers is how I spent my days after school. My grandparents owned a dairy farm and I would often spend weekends there, walking with the cows as they headed to the barn to be milked, gingerly collecting eggs from squawking, flapping hens in the chicken coop, watching horses frolic in the meadows. I would collect feathers from around the farmhouse and bury the occasional dead bird. Feeding ducks at a nearby pond, I learned that birds headed south for the winter as part of their annual migration. The more I learned, the more I loved the natural world.

6. As I grew older, I found that my interests in math and all aspects of science deepened. Upon graduating high school, I went cross-country to attend the University of California at Berkeley to study electrical engineering and computer



science. After my freshman year, however, the engineering program grew less attractive to me because there was little choice in coursework and no study of the living world. As a sophomore, I became a physiology major. My interest was not medical school, however, but biochemistry and cell biology, the bases of life.

7. In California, I discovered Yosemite Valley and the beauty of the High Sierra, which I explored every summer. I felt that I had truly found my passion, but I also began to observe and understand the impacts that too many people have on the natural world.

8. After college, I entered graduate school at Berkeley in Energy and Resources, concentrating on the environmental impacts of energy production and resource use. I studied under world-class scientists who understood not only these issues but also their connection to the problem of overpopulation. One of my professors was John P. Holdren, now President Obama's science advisor, who together with his colleague Paul Ehrlich did much to drive home the population connection to environmental impacts.<sup>1</sup> Ehrlich, of course, is best known as the author of *The Population Bomb*, which brought to the nation's attention the problems of overpopulation.

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<sup>1</sup> Paul R. Ehrlich and John P. Holdren, "Impact of Population Growth," *Science* 26 Mar 1971: Vol. 171, Issue 3977, pp. 1212-1217.

9. During that time, I felt that I wanted to do more than just study environmental problems; I also wanted to do something about them, and so I joined the Sierra Club. At that time and especially in the San Francisco Bay Area where the Sierra Club was founded, it was the premier environmental advocacy group, and one of the few that encouraged volunteers to get involved.

10. I started out on the local chapter's Energy Committee, then joined the Toxics Committee, the Population Committee, and eventually became Conservation Chair of the San Francisco Bay Chapter. This was the late 1990s when the population of the Bay Area was exploding because of the tech boom and the growth of Silicon Valley. As the population increased, housing became scarcer and more expensive, and developers constantly proposed vast new subdivisions to be built on open space lands then used for farming, grazing, and habitat for all manner of living things.

11. The consequences of converting this open space to housing tracts, the added population it entailed, the resulting traffic congestion and air pollution, increased pressure on water supplies, and loss of biological habitat all were clearly evident and unacceptable to me. In my unhappiness and discomfort over the impacts of ceaseless population growth, I became a leading Bay Area open space activist and organized numerous campaigns to protect remaining open lands from



development. Fortunately, Californians have the right under our state Constitution to enact laws by initiative, and that is the route I have most often taken to protect open space in the San Francisco area.

12. Since 2000, I have orchestrated nine open space initiative campaigns in Alameda and Contra Costa Counties -- formulating policies to protect the land, helping write the text to enact those policies, organizing signature drives to qualify the initiatives for the ballot, raising money for election campaigns, and then walking precincts and distributing literature in favor of those ballot measures. For each initiative I have put in hundreds of hours of volunteer time, and when an initiative passes, as most have, they must be defended in court if the developers sue; and after they are successfully defended, they must be continually monitored to make sure they are implemented and enforced by the local jurisdiction.

13. All told, I have spent thousands of hours fighting to protect open space in the Bay Area, hours I could have spent with my family as my children were growing up and in other productive pursuits. Instead, I spent that time in civic engagement to protect the thing that I have cared for since childhood, the living world around us.

14. In recognition of these efforts, I received a number of awards and commendations (2002 Castro Valley Certificate of Excellence for Measure Q

campaign, 2004 California County Planning Commissioners Association for time and expertise in explaining the role of land use initiatives to protect open space in California, 2012 Tri-Valley Conservancy Excellence in Preservation Award, 2014 Sierra Club Outstanding Achievement Award in Land Conservation, 2014 Certificate of Special Congressional Recognition for protection of open space in the Bay Area from U.S. Congress member Barbara Lee, 2014 California State Assembly Certificate of Recognition for devotion to environmental justice and open space protection from California Assembly member Nancy Skinner).

15. Despite these successes in local land conservation and these recognitions, I feel, because I know, that because of unending population growth, I've really accomplished very little. For example, a May 2016 analysis of land lost to development in the western United States by Conservation Science Partners of Truckee, California, found that natural land the size of a football field is lost every 2.5 minutes in the West, and that California has by a considerable margin lost the most natural land from 2001 to 2011 (the period analyzed in the study and two-thirds of the time that I have been active in land conservation).<sup>2</sup>

16. While there are different causes for these losses, construction of housing developments and commercial buildings is by far the largest cause of lost open

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<sup>2</sup> <https://www.disappearingwest.org>.



space, accounting for more than half of all open space lost. I am really quite frustrated, indeed angry that despite all my best efforts, despite the time, energy, and money I put into these fights, despite the sacrifice of time with family and friends, California has lost more land than any western state to development. I have barely put a little finger in the dike.

17. The immigration numbers at the county level tell the story. In 1990, Alameda County had about 1,279,000 people, of which 18% were immigrants. By 2014, Alameda County had added over 280,000 people, and immigrants comprised 31% of the total county population of about 1.6 million. Turning to Contra Costa County, where I have also worked hard to preserve open space, the population grew from 803,732 in 1990, of which 13.3% were immigrants, to about 1.08 million, of which 23.6% were immigrants. The additional population of over 200,000 was largely immigrants and their offspring. Remarkably, between 1990 and 2014 there was an 85% increase in the adult immigrant population of Contra Costa County.<sup>3</sup>

18. I am also saddened and discouraged because I know what this loss of land means. It means the loss of habitat for other life forms with whom we share this

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<sup>3</sup> Bryan Griffith & Steven Camarota, County Map: Growth of Adult Immigrant Population, 1990 to 2014, Center for Immigration Studies (Sept. 2016), <http://cis.org/Immigration-Maps/Growth-Immigrant-Population-Counties-1990-2014> (all county figures were taken from the Center for Immigration Studies).



space and on which we depend for our own wellbeing. As a scientist, I know that California leads the nation in the number of species at risk of extinction and the number of endemic species at risk, those species that occur nowhere else in the world.<sup>4</sup> I have watched many instances where acre upon acre of oak woodland was cut down, soils turned up, hills graded and ravines filled to make way for new houses (for example, Schaefer Ranch in Dublin, CA). In other nearby locations, grasslands used for cattle grazing were stripped, bulldozed for new subdivisions (for example, Dublin Ranch on the east side of Dublin, CA, and west Cordelia in Fairfield, CA). Species that occupied these settings, the California red-legged frog, the California tiger salamander, the Alameda whipsnake, all species listed under the federal Endangered Species Act, extirpated from the area, nowhere to be found.

19. I have observed prime farmland and grazing land across the California Central Valley and into the foothills of the Sierra Nevada paved over for new subdivisions (for example, El Dorado Hills in El Dorado County, CA, whose population skyrocketed to 42,108 at the 2010 census, up from 18,016, at the 2000 census). Hawks and eagles that I once enjoyed observing as they graced the skies overhead are now gone forever because their foraging territory disappeared under streets and houses. Marshes I visited over the decades to enjoy and observe

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<sup>4</sup> NatureServe, "States of the Union: Ranking America's Biodiversity," April 2002.

wildlife have been drained and filled for commercial development, streams undergrounded, with concomitant loss of rest stops and overwintering areas for migrating waterfowl, all to support the housing developments and people living in these new subdivisions. Many of the gorgeous, irreplaceable vistas I studied and enjoyed have vanished forever because of the decision by government, especially the federal government, to accommodate endless population growth in the Bay Area.

20. Is it really too many people that are causing this loss of wildlife? In California, the answer is most emphatically yes. The California Department of Fish and Wildlife, in its *Atlas of the Biodiversity of California*, states unequivocally, “Habitat loss due to human population growth presents the single biggest problem facing native plants and animals in California.”<sup>5</sup>

21. Beyond this loss of biological diversity, there are a variety of other impacts of population growth that cause loss of quality of life in California. Traffic congestion is one of the most frustrating. According to TomTom, the maker of car navigation systems, the San Francisco Bay Area is the second most congested region in the country after Los Angeles.<sup>6</sup> There are only a couple of hours in the middle of a day when the freeways and surface streets move relatively freely and

<sup>5</sup> California Department of Fish and Wildlife, *Atlas of the Biodiversity of California*, 2003, P. 72. <http://www.dfg.ca.gov/biogeodata/atlas/>.

<sup>6</sup> [https://www.tomtom.com/en\\_us/trafficindex/list](https://www.tomtom.com/en_us/trafficindex/list).



one can get to and from a destination with minimal delay. At most other times of the day, it ordinarily takes half again as much time to get some place as it does when there is no congestion,<sup>7</sup> and this assumes no accidents to block the road and impede traffic. If there is a blockage then all bets are off for getting to your destination on time. When I first moved to California in 1969, rush hour meant a single hour in the morning and a single hour in the afternoon when commuters filled the roads and mobility was difficult. Now, “rush hour” is more like four hours for the morning commute and four hours in the afternoon. It’s a nightmare. Getting out of the Bay Area on a Friday for a weekend away takes twice as long as it used to, not to mention traveling on highways slowed throughout the state often to the point of standstill; and then there’s returning on Sunday. As I said, it’s a nightmare. The personal cost in frustration and lost productivity from being stuck in traffic is high. And it’s bound to get worse if the population of California increases by a million people every three years as is now projected by the California Department of Finance through at least 2060.<sup>8</sup> These additional people are, after all, drivers.

22. Other harms that I suffer from population growth are the loss of farmland to development, which makes fresh fruits and vegetables ever more expensive

<sup>7</sup> David Shrank et al, *2015 Urban Mobility Scorecard*, Texas A&M Transportation Institute and Inrix, Inc., Table 1, P. 18.

<sup>8</sup> <http://dof.ca.gov/Forecasting/Demographics/Projections/>.



because of greater demand being placed on ever smaller supplies of productive agricultural soils (On average, California has lost approximately 40,000 acres every year to development since 1984 when statistics started being collected.<sup>9</sup>); the difficulty of making camping reservations at state parks and beaches, and of obtaining backcountry wilderness permits in California's national parks (Campgrounds are usually full months in advance; popular backpacking areas fill up the day permits become available six months ahead.); and the ever increasing cost of housing as more and more people vie for a limited supply of places to live. The constant rise in housing prices makes it more difficult, if not impossible for my children to afford their own homes in reasonably close proximity; and this is a harm that I experience of ongoing large-scale population growth.

23. And yet another personal injury is the dilution of my vote, my political voice, in elections for federal, state, and local offices. Since I vote most often for candidates who support protecting the natural environment, my ability to protect the environment through my elected officials is significantly diminished. When I first was able to vote, then at age 21, California's population was 20 million and the number of registered voters was 13,322,000. Today, the population is nearly 40 million, and the number of registered voters in California at the last Presidential

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<sup>9</sup> [http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015\\_complete.pdf](http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2010-2012/FCR/FCR%202015_complete.pdf)

election in 2012 was 24,288,000. The value of my vote has nearly been halved (55%). Equally if not more important with such a large electorate, candidates must communicate with voters using mass media. This in turn means they must raise large sums of money to buy airtime and to pay for direct mail campaigns thereby giving disproportionate influence to large moneyed interests – wealthy individuals, corporations, unions – over individual voters. In two ways, therefore, my voice in what is arguably the country's most important social feature, its representative democracy, has been significantly harmed.

24. Because I understand the connection between population growth and the losses described above, I give talks on the subject at local high schools, colleges, and to community groups. I try to make others understand the harms they are suffering, perhaps not even aware of it, as a result of never-ending growth. Sustainability is the buzzword of the day. Every group, every institution, every campus wants to be sustainable, but if every increment of conservation, of greater efficiency in the use of resources, is offset by an increase in population, we are no better off than when we started. People need to realize this basic fact. President Clinton's Council on Sustainable Development stated this very clearly twenty years ago, but who took heed? "Stabilizing the population without changing consumption and waste production patterns would not be enough; neither would



action on consumption and waste without efforts to stabilize population. Each is necessary; neither is sufficient.”

25. And where is California’s growth coming from? It is coming from foreign immigration and births to immigrants. For California, net state-to-state migration has been negative since the 1980s; more people leave California for other states than move here. All of California’s growth, directly or indirectly through births to foreign-born women, is a result of immigration. I have established this fact using published statistics from the California Department of Finance, the California Department of Public Health, and the University of Southern California’s Population Dynamics Research Group: between the 2000 and 2010 decennial censuses, 100 percent of California’s growth came from immigration and the natural increase of immigrants. This result is consistent with the published research of other organizations. For example, in 2015, the Pew Research Center published a projection of future U.S. population growth over the next fifty years. Their conclusion: 88% of U.S. growth, 103 million of the projected total increase of 117 million people between 2015 and 2065 would come as a result of future immigrants and their descendants if current policies are left unchanged.<sup>10</sup> Since California is the number one immigrant receiving state in the nation and the state

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<sup>10</sup> Pew Research Center, 2015. “Modern Immigration Wave Brings 59 Million to U.S., Driving Population Growth and Change Through 2065: Views of Immigration’s Impact on U.S. Society Mixed.” Washington, D.C.: September. P. 6.



with by far the highest proportion of immigrants in the population, it stands to reason that an even greater percentage of California's growth is a result of immigration; 100% between 2000 and 2010.

26.DHS policies directly influence the number of foreign-born people (together with their offspring) living in the Bay Area where I live, as well as California and the entire United States. DHS-driven population growth has real, direct, significant impacts on the environment. Yet DHS does not analyze these environmental impacts, in violation of the National Environmental Policy Act. This is a serious failure on the part of the government to make informed decision-making. It is an interesting exercise to contemplate what the level of population growth in the Bay Area and indeed, the rest of the United States, would be if DHS had followed the law and considered the environmental impacts of population growth before it approved myriad immigration actions and policies. I am a taxpayer and citizen who depends on my own government to follow its own laws and am amazed and appalled by DHS' total abdication of its legal obligations under NEPA.

27.In conclusion, I have spent my entire life, from my earliest childhood memories to the present day, interested in, concerned about, and now immensely harmed and saddened by the loss of the natural world, and in particular, by the loss of life forms with whom we share this fragile planet. I view human population

growth as one of the greatest threats to the natural world. In the United States, immigration is by far the primary driver of population growth. Endless large scale immigration means endless U.S. population growth and the destruction of ever more of our beautiful country.

28. As Aldo Leopold said in *A Sand County Almanac*,

“One of the penalties of an ecological education is that one lives alone in a world of wounds. Much of the damage inflicted on land is quite invisible to laymen. An ecologist must either harden his shell or make believe that the consequences of science are none of his business, or he must be the doctor who sees the marks of death in a community that believes itself well and does not want to be told otherwise.”

FURTHER AFFIANT SAYETH NOT.

  
RICHARD ALAN SCHNEIDER

Subscribed and sworn to before me on \_\_\_\_\_, by RICHARD ALAN SCHNEIDER. He is personally known to me or has presented \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC  
STATE OF CALIFORNIA  
MY COMMISSION EXPIRES

(see attached)



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

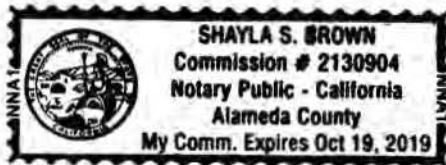
State of California

County of AlamedaOn September 30, 2016 before me, Shayla S. Brown, Notary Public  
Date Here Insert Name and Title of the Officerpersonally appeared Richard A. Schneider  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**Title or Type of Document: Affidavit of Richard Schneider Document Date: 9/30/2016Number of Pages: 15 Signer(s) Other Than Named Above: N/A**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Individual ☐ Attorney in Fact  
☐ Trustee ☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_